

B1  
Concluded

storage means at said construction machine for storing the operating information; and  
a transmission controller for transmitting the operating information read from the  
storage means to the first receiving device through a wireless radio having a limited range,  
wherein said first receiving device includes means for determining that the construction  
machine is within a transmission permissible area related to the limited range of the wireless  
radio,

wherein said transmission controller comprises means for transmitting the operating  
information read from the storage means to the first receiving device through the wireless  
radio when said means for determining determines that the construction machine is within a  
transmission permissible area related to the limited range of the wireless radio.

9. (Twice Amended) A construction machine, comprising:  
operating information collection means at said construction machine for collecting  
operating information regarding operation of a construction machine;  
a first receiving device provided external to said construction machine;  
storage means at said construction machine for storing the operating information; and  
a transmission controller for transmitting the operating information read from the  
storage means to the first receiving device provided external to the construction machine  
through a wireless radio having a limited range, wherein said first receiving device includes  
means for determining that the construction machine is within a transmission permissible area  
related to the limited range of the wireless radio,

B2

and wherein said transmission controller comprises means for transmitting the  
operating information read from the storage means to the first receiving device through the  
wireless radio when said means for determining determines that the construction machine is  
within a transmission permissible area related to the limited range of the wireless radio.

B<sup>3</sup>

15. (Twice Amended) A method for reading operating information of a construction machine, comprising the steps of:

- collecting and storing operating information at said construction machine regarding an operating state of a construction machine;
- determining if the construction machine is within a transmission permissible area related to the limited range of a wireless radio having a limited range;
- transmitting the stored operating information through the wireless radio having a limited range when it is determined that the construction machine is within a transmission permissible area related to the limited range of the wireless radio; and
- receiving the transmitted operating information by a receiving device external to said construction machine to thereby read said operating information from said construction machine.

#### REMARKS

Favorable reconsideration of the present application is respectfully requested.

Claims 1, 3, 4, 6-9, 12-15, 20 and 21 remain active in the application. All of the claims have been rejected as being obvious over either of the U.S. patents to Imanishi et al or Yamamoto in view of the U.S. patent publication to Kageyama. Alternatively, all of the claims have been rejected as being obvious over Imanishi et al or Yamamoto in view of the newly cited U.S. patent to Shubert et al. In view of the above rejections, Claims 1 and 9 have been amended to recite that the transmission controller comprises means for transmitting the operating information read from the storage means to the first receiving device through a wireless radio when the means for determining determines that the construction machine is within a transmission permissible area related to the limited range of the wireless radio.